# United Nations Convention Against Transnational Organised Crime, 2000

2003/0195(CNS) - 22/08/2003 - Legislative proposal

PURPOSE : to conclude, on behalf of the EC, the UN Convention Against Transnational Organised Crime. CONTENT : In its Resolution 53/111 of 9 December 1998, the United Nations' General Assembly (UNGA) decided to establish a committee charged with elaborating a Convention against transnational organised crime (UNTOC), supplemented by three Protocols: - to prevent, suppress and punish trafficking in persons, especially women and children (Trafficking Protocol); - against the smuggling of migrants by land, air and sea (Smuggling Protocol); - against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (Firearms Protocol). The UNGA adopted UNTOC, and the Trafficking and Firearm Protocols on 15 November 2004 and opened them for signature. Negotiations on the Firearms Protocol lasted six months longer (until May 2001) and it was adopted by the UNGA. On 12 December 2000, the EC signed three instruments in Palermo, along with all EU Member States. The Firearms Protocol was signed by the EC on 16 January 2002. UNTOC enters into force on 29 September 2003. The three Protocols supplementing the UNTOC have not yet entered into force. They each require ratification by at least 40 States. A regional economic integration organisation cannot ratify the UNTOC (or a Protocol) before at least one of its Member States has already done so. Of the 15 EU Member States, Spain (on 1 March 2002) and France (on 29 October 2002) have already deposited a document of ratification for the UNTOC and the Smuggling and Trafficking Protocols with the UN Secretariat General; the other Member States are still in the process of ratification. Draft Council Decisions on the conclusion of the Smuggling Protocol (CNS/2003/0196) and the Trafficking Protocol (CNS/2003/0197) are submitted in parallel with this. The UNTOC is the first global instrument on the fight against transnational organised crime. It sets a very useful multilateral framework and a variety of important minimum standards for all participating States. Consequently, the EC has a high interest in seeing it enter into force as soon as possible. Completing the process of ratification by the EC sends a clear signal that the Community is committed to the aims of this instrument. The proposal for a Council Decision constitutes the legal instrument for the conclusion of the UNTOC by the European Community, the legal basis for which can be found in Articles 47, 55, 95, 135, 179 and 280 in conjunction with Article 300 TEC. The text of the UNTOC appears in Annex I.